

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

THOMAS MALONEY AND MARISA
MALONEY,

Plaintiffs,

- against -

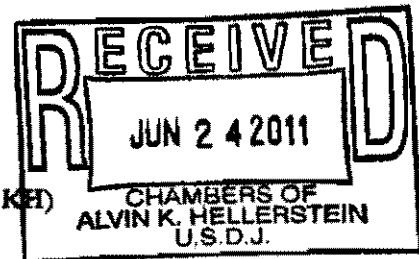
THE CITY OF NEW YORK, et al.

Defendants.

21 MC 100 (AKET)

09 CV 4318
10 CV 2079

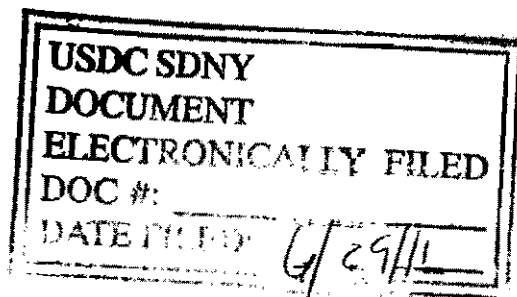
PARTIAL STIPULATION OF
VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P.
41(a)(1)(A)(ii)



Whereas Plaintiffs THOMAS MALONEY AND MARISA MALONEY, Individually have elected to participate in the World Trade Center Settlement Process Agreement ("WTC SPA") to resolve claims against defendants insured by the World Trade Center Captive Insurance Company by tendering a general release and covenant not to sue in 2010; and

Whereas the claims of Plaintiffs THOMAS MALONEY AND MARISA MALONEY, Individually against the defendants insured by the World Trade Center Captive Insurance Company were dismissed with prejudice pursuant to the Stipulated Order of Dismissal so ordered by this Court on January 28, 2001; and

Whereas Plaintiffs THOMAS MALONEY AND MARISA MALONEY, Individually desire to participate in the reopened Victim Compensation Fund, and must, as a condition of their participation withdraw, with prejudice, any claims remaining in the United States District Court for the Southern District of New York;



IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(ii):

1. All claims by Plaintiffs THOMAS MALONEY and MARISA MALONEY against Defendants TISHMAN INTERIORS CORPORATION, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN, TISHMAN CONSTRUCTION CORPORATION OF NEW YORK and VERIZON NEW YORK, INC. arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed with prejudice; and

2. The dismissal is without costs.

Dated: June 21, 2011

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.

By: 

Andrew J. Carboy, Esq.

Attorneys for Plaintiffs THOMAS MALONEY
and MARISA MALONEY
120 Broadway, 18th Floor
New York, New York 10271

Dated: June 23, 2011

COZEN & O'CONNOR

By: 

Anita B. Weinstein, Esq.

Attorneys for Defendant TISHMAN
CONSTRUCTION, TISHMAN
INTERIORS CORPORATION,
~~VERIZON NEW YORK, INC.~~
TISHMAN CONSTRUCTION
CORPORATION OF
MANHATTAN, TISHMAN
CONSTRUCTION
CORPORATION OF NEW YORK

Dated: June 21, 2011

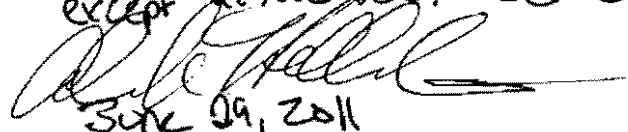
KIRKLAND AND ELLIS

By: 

Lee Ann Stevenson, Esq.

Attorneys for Defendants VERIZON
NEW YORK, INC.
601 Lexington Avenue
New York, New York 10022

The stipulation is accepted.
As the dismissals are of the kind
retaining claims of each of the
Plaintiffs, the Clerk is directed to
enter these dismissals and to close
even case listed in the caption,
except at MC 100. So Ordered


June 29, 2011